

UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT

SUMMARY ORDER

Rulings by summary order do not have precedential effect. Citation to summary orders filed after January 1, 2007, is permitted and is governed by this court's Local Rule 32.1 and Federal Rule of Appellate Procedure 32.1. In a brief or other paper in which a litigant cites a summary order, in each paragraph in which a citation appears, at least one citation must either be to the Federal Appendix or be accompanied by the notation: "(summary order)." A party citing a summary order must serve a copy of that summary order together with the paper in which the summary order is cited on any party not represented by counsel unless the summary order is available in an electronic database which is publicly accessible without payment of a fee (such as the database available at <http://www.ca2.uscourts.gov/>). If no copy is served by reason of the availability of the order on such a database, the citation must include reference to that database and the docket number of the case in which the order was entered.

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 2<sup>nd</sup> day of October, Two thousand seven.

PRESENT:

HON. THOMAS J. MESKILL,  
HON. ROGER J. MINER,  
HON. JOSÉ A. CABRANES,  
*Circuit Judges.*

-----X  
JACK RUBIN ET AL.,

*Plaintiffs-Appellants,*

-v.-

No. 07-1380-cv

ASSICURAZINOI GENERALI S.P.A.,

*Defendant-Appellee.*

-----X

FOR APPELLANTS: SAMUEL K. DUBBIN, Dubbin & Kravetz, LLP, Miami, FL.

FOR APPELLEES:

ROBERT A. SWIFT, Kohn, Swift & Graf, P.C., New York, NY  
(Nancy Sher Cohen and Reynold L. Siemens, Heller Ehrman LLP;  
Lawrence Kill and Linda Gerstel, Anderson, Kill & Olick, P.C.;  
Elizabeth J. Cabraser, Morris A. Ratner, and Caryn Becker, Lieff,  
Cabraser, Heimann & Bernstein, LLP *on the brief*, for *Plaintiffs-Appellees*  
*Samuel Hersly et al.*

MARCO E. SCHNABL, Skadden, Arps, Slate, Meagher & Flom LLP,  
New York, NY (Kenneth J. Bialkin, Barry H. Garfinkel, Peter  
Simhauser, *on the brief*, for *Defendant-Appellee Assicurazinoi Generali*  
*S.P.A.*

Appeal from a judgment of the United States District Court for the Southern District of  
New York (George B. Daniels, *Judge*).

AFTER ARGUMENT AND UPON DUE CONSIDERATION, IT IS HEREBY  
ORDERED, ADJUDGED, AND DECREED that the judgment of the District Court is  
VACATED AND REMANDED for further proceedings.

Plaintiffs-appellants appeal from a February 27, 2007 order of the District Court that  
approved a settlement agreement providing for the release of certain monetary claims against  
defendant-appellee Assicurazinoi Generali S.P.A. ("Generali"). Because the notice of settlement  
provided to potential class members appears inadequate in light of the Supreme Court's comments  
in *Amchem Products, Inc. v. Windsor*, 521 U.S. 591, 620-21 (1997), we will remand, under the procedure  
set out in *United States v. Jacobson*, 15 F.3d 19 (2d Cir.1994), so that appropriate notice may be given  
in an expeditious manner. Specifically, notice by first class mail should be sent to all class members  
whose names are known by Generali as of the date of this mandate whether or not such individuals  
have already filed a claim with Generali.

Accordingly, we VACATE the District Court's order of February 27, 2007, approving the  
settlement agreement entered into by plaintiffs-appellees and defendant-appellee, and REMAND  
the cause to the District Court for further proceedings consistent with this order.

We direct that the mandate be issued forthwith, providing for notice to be accomplished  
within sixty days of this order (November 26, 2007) and responses from interested parties to be  
submitted no later than thirty days thereafter (December 26, 2007). The District Court shall  
conduct a fairness hearing by no later than January 7, 2008. At that point, plaintiffs-appellants'  
appeal will be renewed in this Court. Plaintiffs-appellants will then have three weeks, that is, until  
January 29, 2008, to submit any briefs to this Court. Appellees will have three weeks, that is, until  
February 19, 2008, to submit any response. Plaintiffs-appellants may submit a reply thereto within  
no later than ten days, that is, on or before February 29, 2008. The matter will then be deemed  
resubmitted to this panel, which will resolve such further proceeding without oral argument unless  
otherwise ordered.

FOR THE COURT,  
Catherine O'Hagan Wolfe, Clerk

By: \_\_\_\_\_  
Olivia M. George, Deputy Clerk